



agriculture, land reform & rural development

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

Directorate: Food Safety and Quality Assurance, Private Bag X343, Pretoria, 0001

Enquiries: Dr. MT Mutengwe; Tel: (012) 319 6121; Fax: (012) 319 6265; E-mail: MbulaheniM@dalrrd.gov.za.

20 July 2020

SUBJECT: INSPECTION OF FRESH FRUITS AND VEGETABLES SOLD IN THE REPUBLIC OF SOUTH AFRICA – PRODUCT CONTROL FOR AGRICULTURE (PROKON)

1. PROKON is an assignee designated in terms of Section 2(3) (a) of the Agricultural Products Standards Act no. 119 of 1990 (“the Act”) for the application of sections 3(1) and 4A in respect of the inspection of fresh fruits and vegetables sold in the Republic of South Africa.
2. Essentially, the assignee is charged with the mandate of ensuring that the purpose and overall objective of the Act is realised.
3. The purpose and objective of the Act is to, *inter alia*, ensure that, there is fair trade practices and competition amongst **sellers** of fresh produce including protection of **consumers** from misleading claims.
4. In other words, the Assignee’s function (or mandate) is to ensure that products presented for sale meet the prescribed quality and labelling requirements in the regulations concerned in order to advance the interest of both the **seller** and the **consumer**.

In the context of the foregoing, the assignee is hereby directed in terms of section 2(3)(b) to align and optimize their operation by carrying out the following:

5. The assignee shall in terms of section 3A (1) of the Act inspect, classify, grade, pack or mark any quantity of a product in order to establish compliance with the relevant provisions of the regulations concerned.
6. If, in the case of action under paragraph 5, the assignee is of the opinion that marking requirements such as the class or grade of the product is indicated incorrectly, the assignee or the person in charge of the place, premises or conveyance (seller or owner) shall cancel such wrong grading or classification of the product in question. Further, the assignee may reclassify, regrade, repack or remark the product in question.
7. Essentially, paragraph 6 means that if the assignee was to elect to remark, reclassify, regrade or repack, that such actions shall be carried out physically on every (container) product of the consignment/s presented for sale unless the person in charge of the place, premises or conveyance (seller or owner) is directed to do so.
8. In other words, **no** remarking, reclassification, regrading or repacking of a product shall be permitted under any circumstances unless it is carried out as set out in paragraph 7. Any computerised or document based actions (remarking, reclassification, regrading or repacking) are henceforth prohibited, unless such actions are concomitantly carried out on the product presented for sale.

Inspection point or place of inspection:

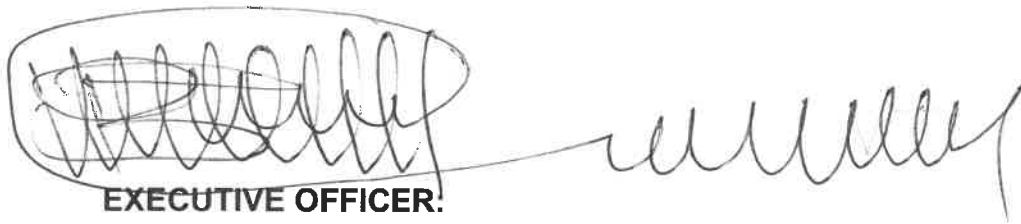
9. The assignee is directed to distribute its inspection activities, proportionally, at all applicable and relevant places where regulated fresh produce is sold such as packhouses, retailers, packers, fresh produce markets, distribution centres, etc.
10. In other words, the current inspection model, where fresh produce is inspected daily at the major fresh produce markets, should be balanced with inspections at other selling points such as the packhouse (main source) so that consumer protection rights and the sale of consistent quality produce can be realised.

11. The assignee is hereby further directed to ensure that duplicate inspection along the value chain is avoided by any means possible.

12. The above direction is to be fully implemented and audited six months from the date of issue.

You are welcome to contact this office should you have any further questions.

Regards,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, is written over a faint, circular stamp. The signature is positioned to the left of the typed name.

EXECUTIVE OFFICER:

AGRICULTURAL PRODUCT STANDARDS

Copies: Agricultural Produce Agents Council (APAC)
 Market Masters
 Retailers
 Consumer Goods Council of South Africa (CGCSA)
 South African Growers Associations
 South African National Consumer Union